

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
NORTHEASTERN DIVISION

United States of America,

Plaintiff,

vs.

Lee Patrick Farrell,

Defendant.

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Case No. 2:03-cr-103

On September 19, 2012, a petition was filed by United States Probation and Pretrial Services alleging that Lee Patrick Farrell violated conditions of his supervised release (Doc. #81). The petition was referred to Magistrate Judge Alice R. Senechal who held a hearing on the alleged violations. At the hearing, Farrell admitted to the allegations in the petition and the parties jointly recommended revocation of supervised release, imposition of a term of custody for nine months, and no additional period of supervised release. This Court has received a Report and Recommendation from the Magistrate Judge which differs from the joint recommendation of the parties. The Magistrate Judge recommends that the Court revoke the current term of supervised release, impose a term of custody of nine (9) months, and impose an additional term of supervised release of one (1) year to follow the custody term. Farrell has no objection to the Magistrate Judge's recommendation (Doc. #103).

The Court has reviewed the Report and Recommendation, along with the entire file, and finds the Magistrate Judge's analysis and recommendations are appropriate. Accordingly, the Court adopts the Report and Recommendation in its entirety. For the reasons set forth by the Magistrate Judge, the Court finds that Farrell violated the conditions of his supervised release. It is **ORDERED** that Farrell's supervised release is revoked and that he serve a term of imprisonment of nine (9) months, with credit for time served since being taken into custody on the petition. It is **FURTHER ORDERED** that

following completion of the nine-month term in custody, that Farrell shall be placed on new term of supervised release for one (1) year. All terms and conditions of Farrell's previous supervised release shall be in effect for the new period of supervised release upon release from custody. It is **FURTHER ORDERED** that the Bureau of Prisons shall have access to Farrell's sex offense-specific treatment records and polygraph reports for use in processing, placement, assessment, and ongoing evaluation while in custody. It is **RECOMMENDED** that Farrell be placed in a facility near Grand Forks, North Dakota to the extent possible to facilitate contact with Farrell's father.

IT IS SO ORDERED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated this 28th day of November, 2012.

/s/ Ralph R. Erickson
Ralph R. Erickson, Chief District Judge
United States District Court